

if the agency finds for good cause that notice and comment are unnecessary. For the reasons discussed in Unit III of this preamble, EPA has determined that providing prior notice and opportunity for comment on the modification or deletion from the CFR of these rules is unnecessary.

VI. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866, the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a "significant regulatory action" as an action that is likely to result in a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a section of the economy, productivity, competition, jobs, the environmental, public health or safety, or State, local or tribal governments or communities (also referred to as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Under the terms of this Executive Order, it has been determined that this rule is not "significant" and is therefore not subject to OMB review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA) (5 U.S.C. 605(b)), EPA has determined that this is not a significant regulation. These amendments lessen burdens rather than add burdens; therefore review under the RFA is not required.

C. Paperwork Reduction Act

This rule contains no information collection requirements, and, therefore is not required to be reviewed under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Parts 152, 153, 156, 157, 162, 165, 172, 180, 185, 186

Environmental protection, Administrative practice and procedure, Agricultural commodities, Animal feeds, Food additives, Infants and children, Intergovernmental relations, Labeling, Packaging and containers,

Pesticides and pests, Reporting and recordkeeping requirements, Research.

Dated: June 14, 1995.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, under the Administrator's authority, 7 U.S.C. 136 *et seq.* and 21 U.S.C. 346 *et seq.*, title 40, chapter I of the Code of Federal Regulations, is amended as follows:

1. In part 152:

PART 152—[AMENDED]

a. The authority citation continues to read as follows:

Authority: 7 U.S.C. 136–136y; Subpart U is also issued under 31 U.S.C. 9701.

§ 152.1 [Amended]

b. Section 152.1 is amended by removing the last sentence.

§ 152.50 [Amended]

c. In § 152.50, paragraph (f)(3) is amended by removing the last sentence.

Subpart D [Removed and Reserved]

d. Subpart D, consisting of §§ 152.60 through 152.70, is removed and reserved.

§ 152.85 [Amended]

e. In § 152.85, paragraph (c) is amended by removing the second sentence.

§ 152.115 [Amended]

f. In § 152.115(d), the words "and § 152.148" are removed.

§ 152.125 [Amended]

g. In § 152.125, the words "and subpart D of part 153 of this chapter" are removed.

§ 152.132 [Amended]

§ 152.138 [Partially Redesignated and Removed]

h. Section § 152.138 is amended by redesignating paragraph (c) as paragraph (e) of § 152.132, and by removing the remainder of § 152.138.

Subpart H [Removed and Reserved]

i. Subpart H, consisting of §§ 152.140 through 152.159, is removed and reserved.

§ 152.175 [Amended]

j. In the table in § 152.175, the complete entries for acrylonitrile, allyl alcohol, calcium cyanide, chlorfenvinphos, cycloheximide, demeton, dioxathion, endrin, EPN, fensulfothion, fluoracetamide/1081,

hydrocyanic acid, mevinphos, monocrotophos, phosacetim and TEPP are removed.

Subpart L [Removed and Reserved]

k. Subpart L, consisting of §§ 152.220 through 152.230, is removed and reserved.

Subpart Z to part 152 [Redesignated From Subpart M to Part 153]

l. Subpart Z entitled Devices, is redesignated from subpart M, part 153. Subpart Z consists of § 152.500 which is redesignated from § 153.240.

2. In part 153:

PART 153—[AMENDED]

a. The authority citation is revised to read as follows:

Authority: 7 U.S.C. 136w.

Subpart D [Removed and Reserved]

b. Subpart D, consisting of §§ 153.61 through 153.78, is removed and reserved.

§ 153.125 [Amended]

c. In § 153.125, by removing the parenthetical text "(including those listed in § 153.139)," from paragraph (b) and by removing paragraph (c) and by redesignating paragraphs (d) and (e) as paragraphs (c) and (d), respectively.

§§ 153.139, 153.142, 153.145, 153.150, and 153.158 [Removed]

d. Sections 153.139, 153.142, 153.145, 153.150, and 153.158 are removed.

e. Section 153.140 is revised to read as follows:

§ 153.140 General.

Section 25(c)(5) of the Act authorizes the Administrator to prescribe regulations requiring coloration or discoloration of any pesticide if the Administrator determines that such requirements are feasible and necessary for the protection of health and the environment. This subpart describes those pesticide products which must be colored or discolored.

Subpart M to part 153 [Redesignated]

f. Subpart M and § 153.240 are redesignated as Subpart Z in part 152 and § 152.500, respectively.

3. In part 156:

PART 156—[AMENDED]

a. The authority citation continues to read as follows:

Authority: 7 U.S.C. 136–136y.

§ 156.10 [Amended]

b. In § 156.10 paragraph (a)(5) introductory text is amended by